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DATE:	June 25, 2008
TO:	Examiner Matthew Meyers, Group Art Unit 3629 United States Patent and Trademark Office
FAX #:	571-273-8300
FROM:	Thomas F. Bergert, Esq.
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CLIENT/MATTER #:	037925.0005
SUBJECT:	U.S. Patent Application Serial No. 10/630,532 Inventor: Morris, Daniel
NUMBER OF PAGES (INCLUDING COVERSHEET):	<u>6</u>

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/630,532	
	Filing Date	July 30, 2003	
	First Named Inventor	Morris	
	Art Unit	3629	
	Examiner Name	Matthew Meyers	
Total Number of Pages in This Submission	5	Attorney Docket Number	087925.0005

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of Substance of Examiner Interview
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Williams Mullen, PC		
Signature	<i>Thomas F. Borgert</i>		
Printed name	Thomas F. Borgert		
Date	June 25, 2008	Reg. No.	33,076

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of ]

Morris, Daniel ]

Serial No.: 10/630,532 ]

Examiner: Matthew Meyers ]

Filed: July 30, 2003 ]

Art Unit: 3629 ]

For: System and Method for Automated  
Release Tracking ]Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**Applicant's Statement of the Substance of the Examiner Interview**

Sir:

Applicant submits the present paper as required following the interview between Applicant's counsel and the Examiner on May 23, 2008 and in response to the Interview Summary issued by the Examiner on May 29, 2008. Applicant's counsel acknowledges and appreciates the Examiner's courtesy in discussing the present claims in view of the MERS references during the interview.

Applicant wishes to expand on the Examiner's statement of the substance of the interview that "Applicant indicated that MERS does not have any enforcement mechanism." As discussed during the interview, MERS is essentially a central electronic loan registry system. MERS partners with lenders/banks and keeps track of current mortgage loan holders. Banks frequently transfer ownership of their mortgage loans, and the MERS system facilitates recordation of those

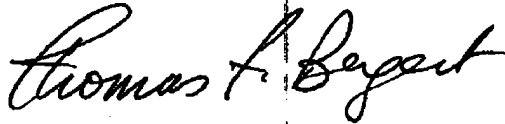
transfers without requiring the recordation of a paper assignment in the county land records, for example. This makes such loans more "liquid" in a sense for sale on secondary markets.

Nevertheless, as also discussed during the interview, MERS has nothing to do with tracking lien releases, or identifying liens where the underlying note has been paid, as claimed in the present application. When a mortgage loan is paid off (i.e., the underlying note is satisfied), the lender is obligated to release the lien. During the interview, Applicant presented the Examiner with the attached printout from the MERS web site at [www.mersinc.org](http://www.mersinc.org). The printout is an archived question and answer between a web site visitor and MERS' corporate counsel in 2003. The question pertains to the questioner's inability to track the release of a previous lien. MERS' own corporate counsel responded by saying that the individual would need to contact the loan servicer that handled the prior mortgage. This indicates that MERS has nothing to do with tracking lien releases, consistent with Applicant's arguments from its previous response dated March 19, 2008 in the present application.

Thus, not only does MERS not have any enforcement mechanism to ensure that lenders promptly release liens when the underlying note has been satisfied, but MERS does not *identify* liens where the underlying note has been satisfied, and further does not have any lien release tracking element. It is apparent that the MERS system cannot even answer the question as to whether a lien has been released.

Pursuant to the Examiner's Interview Summary, Applicant respectfully awaits the Examiner's further consideration and discussion with Applicant's counsel in the hopes of furthering the prosecution and allowance of the present application.

Respectfully submitted,  
WILLIAMS MULLEN, PC



Thomas F. Bergert  
Counsel for Applicant  
Reg. No. 38,076

Filed: June 25, 2008

Attached: copy of web printout from cited [www.mcrsinc.org](http://www.mcrsinc.org) web page

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Name	Message	Post Reply	Post Date
A. Abramson	Release of Lien. There is a MERS mortgage lien on my current title policy, although that obligation was paid off 18 months ago (also two refinances ago). A check of the public records shows no release was recorded. We're getting grief from a new lender. How do I track down that release for recording?	1	July 3, 2008, 12:00 AM
Sharon McGann Horstkamp	Re:Release of Lien. You should contact the mortgage loan servicer that handled your prior mortgage. There are two ways to obtain the name and telephone number of the servicer from MERS. The most expedited way is if you have access to the recorded mortgage or assignment to MERS because on that recorded document is an 18 digit Mortgage Identification Number (MIN) along with a toll free Servicer Information System number [888 679-6377]. The number operates 7 days a week, 24 hours and by calling that number and inputting the MIN, you will receive a response with the name and telephone number of the last mortgage servicer of your prior mortgage loan. In the alternative, if you do not have the MIN, during the hours of 8:00 am EST and 10:00 pm EST Monday through Friday, you can call the MERS Helpdesk [888 680-6377] and provide the Borrower name and/or property address to get this information. The Servicer of the mortgage loan will be able to help you.	1	July 8, 2008, 12:00 AM

Sharon McGann Horstkamp  
MERS Corporate Counsel

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5/19/2008